

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	
FM Broadcast Stations.)	
)	
(Washington, Kansas))	MB Docket No. 04-331
)	RM-11053

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 25, 2005**Released: April 27, 2005**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* ("Notice")¹, issued at the request of Andrew Shafer ("Petitioner"), proposing the allotment of Channel 271A at Washington, Kansas, as the community's first local aural transmission service. Petitioner filed no comments in response to the *Notice*. No other comments or expressions of interest were received in response to the *Notice*.

2. As stated in the Appendix to the *Notice*, a showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making a new allotment to a community absent a *bona fide* expression of interest. Therefore, because comments were not received from the Petitioner supporting the allotment of Channel 271A to Washington, Kansas, or any other party, the Petition for Rule Making is hereby dismissed.

3. IT IS ORDERED, That the Petition for Rule Making filed by Andrew Shafer IS DISMISSED.

4. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this *Report and Order* to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A), because this proposed rule is dismissed herein.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

¹ *See Washington, Kansas*, 19 FCC Rcd 16631 (MB 2004).

6. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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